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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	DOCKET NO. CONFIRMATION NO.	
10/815,087		03/31/2004	Jason Hensley	F02.2-11374-US01	7351	
490	7590	08/07/2006		EXAMINER		
•		E STEINKRAUS, I	HARTMANN, GARY S			
6109 BLUE SUITE 2000		DRIVE	ART UNIT	PAPER NUMBER		
MINNETON	IKA, MN	55343-9185		3671		
				DATE MAILED: 08/07/200	DATE MAILED: 08/07/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application N	0.	Applicant(s)					
		10/815,087		HENSLEY ET AL.					
	Office Action Summary	Examiner		Art Unit					
_		Gary Hartman	n	3671					
Period fo	The MAILING DATE of this communication app or Reply	pears on the co	ver sheet with the co	orrespondence address					
WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATES assigns of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply is specified above, the maximum statutory period we tee to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS ( 36(a). In no event, he will apply and will exp . cause the application	COMMUNICATION  by owever, may a reply be time  fire SIX (6) MONTHS from to  n to become ABANDONED	l. lely filed the mailing date of this communication.					
Status									
1)⊠	Responsive to communication(s) filed on 31 Ma	lay 2006.							
2a) <u></u> ☐	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.								
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is								
	closed in accordance with the practice under E	x parte Quayle	, 1935 C.D. 11, 45	3 O.G. 213.					
Dispositi	on of Claims								
4)⊠	Claim(s) <u>1-5</u> is/are pending in the application.								
	4a) Of the above claim(s) is/are withdrawn from consideration.								
	Claim(s) is/are allowed.								
6)⊠	Claim(s) <u>1-5</u> is/are rejected.								
	Claim(s) is/are objected to.								
8)□	Claim(s) are subject to restriction and/or election requirement.								
Applicati	on Papers								
9) 🗆 .	The specification is objected to by the Examine	r.							
	The drawing(s) filed on <u>31 March 2004</u> is/are: a		or b)□ objected to	by the Examiner.					
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
	Replacement drawing sheet(s) including the correcti	ion is required if	the drawing(s) is obje	ected to. See 37 CFR 1.121(d).					
11) 🗌	The oath or declaration is objected to by the Ex	aminer. Note t	ne attached Office	Action or form PTO-152.					
Priority u	nder 35 U.S.C. § 119								
_	Acknowledgment is made of a claim for foreign ☐ All b) ☐ Some * c) ☐ None of:	priority under 3	35 U.S.C. § 119(a)-	-(d) or (f).					
·	1. Certified copies of the priority documents have been received.								
	2. Certified copies of the priority documents have been received in Application No								
	3. Copies of the certified copies of the prior	rity documents	have been receive	d in this National Stage					
	application from the International Bureau	-							
* S	ee the attached detailed Office action for a list of	of the certified	copies not received	d.					
Attachment	(e)								
1) Notice	e of References Cited (PTO-892)	4) [	Interview Summary (						
	e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <b>[</b>	Paper No(s)/Mail Date	te atent Application (PTO-152)					
	r No(s)/Mail Date <u>3-8-6</u> .	-	Other:	non-ripphodion (r 10 194)					

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#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (U.S. Patent 6,520,715).

Smith discloses a screed including an elongated frame (34) to which a plurality of individual screed units (Figure 5) are slidably attached (Figure 4). Each of the screed units includes a lower screed plate (24) and are attached such that all of the plates may be aligned to form a continuous screeding line (Figure 7, for example) and independently movable relative to an adjacent screed between lowest and highest positions (Figure 4, for example).

The units are movable by a hydraulic cylinder (36) and piston (28).

Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Harsch (U.S. Patent 2,412,398)

Harsch discloses a screed including an elongated frame (8, 9, 10, 11) to which a plurality of individual screed units (Figure 5) are slidably attached (Figure 1, for example). Each of the screed units includes a lower screed plate (3) and are attached such that all of the plates may be

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aligned to form a continuous screeding line (Figure 2, for example) and independently movable relative to an adjacent screed between lowest and highest positions (Figure 1).

There is optionally a hydraulic mechanism to move the units.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, as applied above.

Smith does not teach the opposing side forms; however, it is well known to use side forms in order to contain uncured material. For this purpose, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used side forms with the material worked by Smith.

### Response to Arguments

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new grounds of rejection.

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#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 571-272-6989. The examiner can normally be reached on Tuesday through Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

> Gary Hartmann **Primary Examiner** Art Unit 3671